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Washington, Wednesday, September 22, 1948

TITLE 3—THE PRESIDENT

PROCLAMATION 2814

GENERAL PULASKI'S MEMORIAL DAY, 1948

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS October 11, 1948, is the one hundred and sixty-ninth anniversary of the death of Count Casimir Pulaski, son of a foreign nation, who gave his life for the cause of American freedom; and

WHEREAS his death from a wound received while leading the celebrated Pulaski Legion at the siege of Savannah, in 1779, brought to a heroic end, at the youthful age of 31 years, a life which had given promise of further glorious achievements on behalf of humankind; and

WHEREAS this distinguished Pole who achieved the rank of Brigadier General in the American Revolutionary Army bequeathed to all liberty-loving people a tradition of fidelity to principle which remains an inspiration to our own generation:

NOW THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby designate Monday, October 11, 1948, as General Pulaski's Memorial Day. I call upon the officials of the Government to display the flag on Government buildings on that day, and I invite the people of the United States to participate in the observance of the day with appropriate ceremonies in schools, churches, or other suitable places.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 20th day of September in the year of our Lord nineteen hundred and [SEAL] forty-eight, and of the Independence of the United States of America the one hundred and seventy-third.

HARRY S. TRUMAN

By the President:

ROBERT A. LOVETT,
Acting Secretary of State.

[F. R. Doc. 48-8559; Filed, Sept. 21, 1948; 11:48 a. m.]

EXECUTIVE ORDER 9997

AMENDMENT OF EXECUTIVE ORDER NO. 9805, PRESCRIBING REGULATIONS GOVERNING PAYMENT OF CERTAIN TRAVEL AND TRANSPORTATION EXPENSES

Correction

In Executive Order 9997, appearing as F. R. Doc. 48-8174, on page 5251 of the issue for Friday, September 10, 1948, the carry-over headnote of the second column of Schedule A, now reading "1,850 pounds to 3,799 pounds", should read "1,850 pounds to 3,849 pounds"

TITLE 24—HOUSING CREDIT

Chapter VIII—Office of the Housing Expediter

[Controlled Housing Rent Reg.,[1] Amdt. 38]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

CONTROLLED HOUSING RENT REGULATION

The Controlled Housing Rent Regulation (§ 825.1) is amended in the following respects:

1. Schedule A, item 54a, is amended to read as follows: "(54a) [Revoked and decontrolled]."

2. Schedule A, item 290b, is amended to read as follows: "(290b) [Revoked and decontrolled]."

This amendment shall become effective September 22, 1948.

Issued this 17th day of September 1948.

J. WALTER WHITE,
Acting Housing Expediter.

Statement to Accompany Amendment 38 to the Controlled Housing Rent Regulation

It is the judgment of the Housing Expediter that the need for continuing maximum rents in the DeFuniak Springs Defense-Rental Area, State of Florida,

[1] 12 F. R., 4331, 5040, 5421, 5454, 5697, 6027, 6687, 6923, 7111, 7630, 7825, 7899, 8000; 13 F. R. 6, 62, 160, 210, 294, 322, 441, 470, 476, 498, 523, 827, 861, 1118, 1628, 1793, 1801, 1927, 1929, 3116, 3339, 3628, 3673, 4694, 5001, 5117, 5157.

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

and in the Fayetteville Defense-Rental Area, State of Tennessee, no longer exists due to the fact that the demand for rental housing accommodations has been reasonably met, and this amendment is therefore being issued to decontrol said Defense-Rental Areas in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 48-8487; Filed, Sept. 21, 1948; 8:46 a. m.]

[Rent Reg. for Controlled Rooms in Rooming Houses and Other Establishments,[1] Amdt. 38]

PART 825—RENT REGULATIONS UNDER THE HOUSING AND RENT ACT OF 1947, AS AMENDED

RENT REGULATION FOR CONTROLLED ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

The Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments (§ 825.5) is amended in the following respects:

1. Schedule A, item 54a, is amended to read as follows: "(54a) [Revoked and decontrolled]."

2. Schedule A, item 290b, is amended to read as follows: "(290b) [Revoked and decontrolled]."

This amendment shall become effective September 22d, 1948.

Issued this 17th day of September 1948.

J. WALTER WHITE,
Acting Housing Expediter

Statement to Accompany Amendment 38 to the Rent Regulation for Controlled Rooms in Rooming Houses and Other Establishments

It is the judgment of the Housing Expediter that the need for continuing maximum rents in the DeFuniak Springs Defense-Rental Area, State of Florida, and in the Fayetteville Defense-Rental Area, State of Tennessee, no longer exists due to the fact that the demand for rental housing accommodations has been reasonably met, and this amendment is therefore being issued to decontrol said Defense-Rental Areas in accordance with section 204 (c) of the Housing and Rent Act of 1947, as amended.

[F. R. Doc. 48-8486; Filed, Sept. 21, 1948; 8:46 a. m.]

TITLE 29—LABOR

Subtitle A—Regulations of the Secretary of Labor

PART 7—PROCEDURE; DIVISION OF UNION REGISTRATION, BUREAU OF LABOR STANDARDS

FORM FOR FILING REPORTS

Pursuant to the authority vested in the Secretary of Labor by sections 9 (f) and (g) of the Labor-Management Relations Act, 1947 (Public 101, Ch. 120, 80th Cong., 1st sess.) Part 7 of this subtitle is amended as follows:

§ 7.1 *Form to be used in filing reports.* The form, entitled "Labor Organization Registration Form,"[2] is hereby prescribed as the form for filing of organizational and financial reports by labor

[1] 12 F. R. 4302, 5040, 5423, 5457, 5699, 6027, 6686, 6923, 7111, 7630, 7825, 7998, 8660; 13 F. R. 6, 62, 181, 216, 294, 295, 321, 442, 476, 497, 523, 828, 861, 1119, 1627, 1793, 1873, 1929, 3116, 3117, 3339, 3651, 3673, 4895, 5001, 5118, 5156.

[2] Filed with the original document. Copies may be obtained on request to the Bureau of Labor Standards, Department of Labor, Washington 25, D. C.

organizations with the Bureau of Labor Standards, United States Department of Labor, Washington 25, D. C., under sections 9 (f) and (g) of the Labor-Management Relations Act, 1947 (Secs. 9 (f), 9 (g) Pub. Law 101, 80th Cong.)

Signed at Washington, D. C., this 15th day of September 1948.

MAURICE J. TOBIN,
Secretary of Labor.

[F. R. Doc. 48-8481; Filed, Sept. 21, 1948; 8:47 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Corrected S. O. 815-A]

PART 95—CAR SERVICE

FREE TIME REDUCED ON COAL, COKE AT GREAT LAKES PORTS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 15th day of September A. D. 1948.

Upon further consideration of Revised Service Order No. 815 (13 F. R. 3000), and good cause appearing therefor: *It is ordered,* That:

Revised Service Order No. 815, *Free time reduced on coal at Great Lakes Ports,* is hereby vacated and set aside.

It is further ordered, that this order shall become effective at 11:59 p. m., September 18, 1948; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission, at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 418; 41 Stat. 476, sec. 4; 54 Stat. 901, 911, 49 U. S. C. 1 (10)-(17), 15 (2))

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 48-8471; Filed, Sept. 21, 1948; 8:48 a. m.]

PROPOSED RULE MAKING

TREASURY DEPARTMENT

Bureau of Internal Revenue

[26 CFR, Part 190]

RECTIFICATION OF SPIRITS AND WINES

NOTICE OF PROPOSED RULE MAKING

A notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto, which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Washington 25, D. C., within the period of 30 days from the date of this notice in the FEDERAL REGISTER. The proposed regulations are to be issued under the authority of sections 2801 (e) 2810, 2812, 2819, 2829, 2832, 2834, 2835, 3170, and 3176, Internal Revenue Code (26 U. S. C. 2801 (e) 2810, 2812, 2819, 2829, 2832, 2834, 2835, 3170, and 3176)

[SEAL] GEO. J. SCHOENEMAN,
Commissioner of Internal Revenue.

1. Sections 190.13, 190.14, 190.17, 190.19, 190.31, 190.49, 190.94, 190.95, 190.98, 190.99, 190.105, 190.106, 190.115, 190.118 (c) 190.119, 190.132, 190.138, 190.177, 190.262, 190.263, and 190.392 of Regulations 15 (26 CFR, Part 190) are amended; §§ 190.15, 190.16, 190.110 (a) (2) and 190.137 of such regulations are revoked; and §§ 190.41a and 190.471a are added to such regulations.

2. These amendments are designed to simplify certain requirements relating to construction, and the preparation, filing, and approval of documents in connection with the establishment and operation of rectifying plants.

§ 190.13 *Within 600 feet of distillery.* The district supervisor may permit the carrying on of the business of rectifying spirits or wines at a distance of less than 600 feet in a direct line from a distillery, when he is of the opinion that the revenue will not be endangered thereby. (Secs. 2819, 2832, 3170, 3176, I. R. C.)

§ 190.14 *Special application.* A person desiring to establish a rectifying plant within 600 feet of a distillery shall file a special application, in triplicate, for such privilege with the district supervisor. The application shall state the location of the rectifying plant and the distillery, the distance between the premises, the name of the distiller, a description of any connecting pipe lines, the reason for locating the rectifying plant within 600 feet of the distillery, and any additional information which the district supervisor may require. The district supervisor will take action on such special application in accordance with the procedure prescribed in § 190.119. (Secs. 2819, 2832, 3170, 3176, I. R. C.)

§ 190.17 *Changes requiring approval.* Where there is to be a change in the distance between a rectifying plant and a distillery located within 600 feet of each other, as a result of the extension or curtailment of either premises, a new special application, in triplicate, must be filed with the district supervisor by the proprietor of the premises which are to be extended or curtailed. Where a change occurs in the proprietorship of a rectifying plant or distillery located within 600 feet of each other, the new proprietor shall file with the district supervisor a new special application, in triplicate. Unless the rectifying plant premises are extended or curtailed as the result of such change, the change may be reflected in the next amended notice, Form 27-B, and plat filed by the rectifier. Such new special application shall be considered and disposed of in accordance with § 190.119. (Secs. 2819, 2832, 3170, 3176, I. R. C.)

§ 190.19 *Building or rooms.* The rectifying plant must be so constructed and equipped as to be suitable for the rectification of spirits by the process, or processes, of rectification which the rectifier proposes to use. The room or building must be securely constructed of brick, stone, wood, concrete or other substantial material, and must be completely separated from contiguous buildings or rooms by solid, unbroken partitions, or floors of substantial construction, except as hereinafter provided. Such partitions shall extend from the ground to the roof, or from the floor to the ceiling if a room is used, and if the rectifying plant is under the same roof or in the same building in which is located an internal revenue bonded warehouse or a tax-paid bottling house, the two premises must not have means of communication with each other within the building, except by approved pipe lines as herein authorized: *Provided,* that where a rectifying plant has heretofore been established under the same roof, or in the same building, with an internal revenue bonded warehouse or a tax-paid bottling house with interior communication between the two premises, it may continue to operate in such location if the revenue will not be jeopardized thereby. Where distilled water or tax-paid spirits are to be transferred by pipe line to, or from, the rectifying plant in accordance with these regulations, necessary openings for the passage of the required pipe lines may be permitted in the walls or partitions, and necessary openings for passage of approved water, steam, sewer, or similar lines may likewise be permitted in the walls or partitions. Where contiguous wholesale liquor dealer premises are used in lieu of a finished product room, the necessary doors or openings may be permitted in the walls or petitions for the transfer of filled cases. (Secs. 2801 (e) 3176, I. R. C.)

§ 190.31 *Weighing tanks.* Where weighing tanks are used for gauging spirits, such tanks shall be constructed of metal and shall be stationary and of uniform dimensions from top to bottom, and each such tank shall be equipped with a suitable measuring device whereby the contents will be correctly indicated. If the weighing tanks are to be used for gauging rectified spirits for determining the amount of tax, or gauging tax-exempt products prior to transfer of the spirits to a bottling tank, such weighing tanks must also conform to the requirements of § 190.39. The gauging of spirits in a weighing tank connected

with a bottling tank shall be deemed to meet the requirements of these regulations for gauging the spirits in a bottling tank mounted on scales: *Provided,* That after gauging, the spirits may be transferred to the bottling tank for immediate taxpayment if subject to the rectification tax. Each weighing tank shall be mounted on accurate scales and shall have plainly and legibly painted thereon the words, "Weighing Tank," followed by its serial number and capacity in wine gallons. The beams or dials of the scales must indicate weight in 5 pound graduations for scales up to and including 25 tons capacity, in 10 pound graduations for scales exceeding 25 tons capacity but not exceeding 60 tons capacity, and in 20 pound graduations for scales having a capacity of more than 60 tons. (Secs. 2801 (e) 2829, 3176, I. R. C.)

§ 190.41a *Accumulation tanks.* Where the rectifier removes distilled spirits from the bottling line which contain sediment or foreign matter, or which otherwise require refiltering or rebottling, he may install suitable accumulation tanks in the bottling room for the accumulation of such spirits. Each such tank shall have plainly and legibly painted thereon the words, "Accumulation Tank," followed by its serial number and capacity in wine gallons. If the spirits accumulated in each tank are of the same class and type, they may be returned to the bottling tank system for refiltering and bottling with the same batch of spirits. The return of the spirits to the bottling tank system must be under the supervision of the storekeeper-gauger. Unless the spirits are refiltered and bottled with the same lot of spirits from which they were originally bottled, they must be returned for rectification under an approved formula, or, in the case of spirits not subjected to taxable rectification, returned to the dumping and reducing tank for commingling with spirits without rectification within the limitation of § 190.351. In such case, appropriate notation will be made on the Form 230 or Form 237 relative to the return of the spirits. (Secs. 2801(e) 3176, I. R. C.)

§ 190.49 *Distance from distillery or vinegar plant.* If the rectifying plant premises are situated more than 600 feet in a direct line from any premises authorized to be used for distilling spirits, or from a vinegar factory using the vaporizing process, such fact shall be stated on Form 27–B. If the distance between the rectifying plant premises and the premises of a distillery is less than 600 feet in a direct line, there must be stated in the notice, Form 27–B, the name of the proprietor of the distillery, the exact distance in feet and inches between the rectifying plant and distillery, and whether the location of the rectifying plant within such distance of the distillery has been approved by the district supervisor. If such location of the rectifying plant has been approved by the district supervisor, the date of such approval shall be given. If the distance between the rectifying plant premises and a vinegar factory using the vaporizing process is less than 600 feet in a direct line, such fact shall be stated on the form, and also whether or not the vinegar factory was established and operated as such prior to March 1, 1879. (Secs. 2801 (e) 2812, 2819, 2834, 2835, 3170, 3176, I. R. C.)

§ 190.94 *Preparation.* Every plat and plan shall be drawn to scale and each sheet thereof shall bear a distinctive title, enabling ready identification. The cardinal points of the compass must appear on each sheet, except the elevational plans. The minimum scale of any plat will not be less than 1/50 inch per foot. Each sheet of the original plat and plans shall be numbered, the first sheet being designated number 1, and the other sheets numbered in consecutive order. Plats and plans shall be submitted on sheets of tracing cloth, opaque cloth, or sensitized linen. The dimensions of plats and plans shall be 15 by 20 inches, outside measurement, with a clear margin of at least 1 inch on each side of the drawing, lettering, and writing. Plats and plans may be original drawings, or reproductions made by the "ditto process," or by blue or brown line lithoprint, if such reproductions are clear and distinct. (Secs. 2801 (e) 3176, I. R. C.)

§ 190.95 *Depiction of rectifying plant premises.* Plats must show the outer boundaries of the rectifying plant premises, in feet and inches, in a color contrasting with those used for other drawings on the plat, and must contain an accurate depiction of the building, or buildings, comprising the premises, and any driveway, public highway, or railroad right-of-way adjacent thereto or connecting therewith. The depiction of the premises shall agree with the description in the notice, Form 27–B. If the premises are separated by a public highway or railroad right-of-way, and the tracts of land comprising the premises, or parts thereof, abut on such highway or right-of-way, opposite each other, the different tracts will be depicted separately, in feet and inches. If two or more buildings are to be used, the designated name of each shall be indicated, and all pipe lines or other connections, if any, between the same depicted. Where two or more buildings are used for the same purpose, the name of each such building shall include an alphabetical designation, beginning with "A," and they shall be so shown on the plat. All first floor doors of each building on the premises will be shown on the plat. If the rectifying plant consists of a room or a floor of a building, an entire outline of the building, the precise location and dimensions of the room or floor, and the means of ingress and egress to a public street or yard shall be shown. Except as provided in § 190.104, all pipe lines leading to or from the premises, the purpose for which used, and the points of origin and termination will be indicated on the plat. (Secs. 2801 (e) 3176, I. R. C.)

§ 190.98 *Floor plans.* The plans shall include a floor plan of each building, showing the general dimensions of the rooms and floors, and the location of all doors, windows, and other openings, and how such openings are protected. If a portion of a building is used, such as a room or floor, the floor plans will include only that portion, and shall also show the means of ingress and egress to the street. All apparatus and equipment, except pipe lines, must be shown in their exact location on the floor plans and their designated use indicated. In the case of stills, tanks, and similar equipment, the serial number and capacity shall also be shown. (Secs. 2801 (e), 3176, I. R. C.)

§190.99 *Elevational flow diagrams.* Elevational flow diagrams (plans) shall be submitted covering the flow of spirits from the time of receipt on the premises until the cased spirits are removed from the bottling room. Such diagrams or plans shall clearly depict all equipment in its relative operating sequence and elevation by floors, with all connecting pipe lines, valves, flanges, measuring devices, and attachments for Government locks. The elevation by floors on the diagrams may be indicated by horizontal lines representing floor levels. All major equipment, such as dump tanks, processing tanks, bottling tanks, filters, etc., must be identified on the plans as to number and use. The elevation flow diagram must be so drawn that all fixed pipe lines, except those indicated by § 190.104, may be readily traced from beginning to end. Other types of drawings that clearly depict the information required herein may be submitted in compliance with this section. (Secs. 2801 (e), 3176, I. R. C.)

§ 190.105 *Certificate of accuracy.* The plat and plans shall bear a certificate of accuracy in the lower right hand corner of each sheet, signed by the rectifier, the draftsman, and the district supervisor, substantially in the following form:

_____
(Name of proprietor)
_____
(Address)
Approved _____
(Date)
Accuracy certified by:
_____
(District supervisor)
_____
(Name and capacity—for the proprietor)
_____
(Draftsman)
Rectifying Plant No. _____
_____, 19_____
(Date)
No. _____.

(Secs. 2801 (e) 3176, I. R. C.)

§ 190.106 *Revised plats and plans.* The sheets of revised plats and plans shall bear the same number as the sheets superseded, but will be given a new date. Any additional plats and plans shall be given a new number in consecutive order, or will be otherwise numbered and lettered in such manner as will permit the filing of the plats and plans in proper sequence. (Secs. 2801 (e), 3176, I. R. C.)

§ 190.115 *Changes in premises.* Where the rectifying plant premises are to be extended or curtailed, the rectifier must file with the district supervisor an amended notice, Form 27–B, and an amended plat of the premises as extended or curtailed. If the plans are affected by the extension or curtailment,

they must also be amended. If the rectifying plant is within 600 feet of a distillery, the rectifier must also file a special application in accordance with §§ 190.14 or 190.17, if the changes are of such nature or extent as to require a special application. The additional premises covered by an extension may not be used for rectifying purposes, and the portion of the premises to be excluded by a curtailment may not be used for other than rectifying purposes, prior to approval of the notice, Form 27–B. (Secs. 2801 (e) 3170, 3176, I. R. C.)

§ 190.118 *Qualification.* * * *

(c) *Registry of stills.* Register the stills on Form 26, in triplicate, in accordance with § 190.471a, if not previously registered.

* * * * *

§ 190.119 *Special application.* Where a special application for permission to operate a rectifying plant within 600 feet of a distillery is submitted by the rectifier, and such special application conforms to the requirements of these regulations, the district supervisor will cause an inspection to be made to determine whether the proposed operation of the rectifying plant within 600 feet of the distillery may be permitted without jeopardy to the revenue. The inspector will ascertain whether the application accurately describes the relative location of the two premises and all pipe lines and other connections, if any, between such premises. The inspector will also observe the surroundings, including all streets, roads, and driveways connecting the two premises, and any condition which might endanger the revenue, and will describe the same in his report. If the district supervisor finds, upon consideration of the inspection report, that the rectifying plant may be operated at the designated location without danger to the revenue, he will note his approval on all copies of the special application. He will then return one copy of the approved application to the applicant, retain the original for his files, and forward the remaining copy, together with a copy of the inspection report, to the Commissioner. Approval of the special application pertains to the location of the rectifying plant only, and does not authorize the operation thereof. The rectifying plant may not be operated until the rectifier's bond, and other qualifying documents required by law and these regulations, have been filed and approved by the Commissioner. If the special application is disapproved, the district supervisor will note his disapproval thereon and will return all copies of such application to the applicant, with advice as to the reasons for disapproval. (Secs. 2819, 2832, 3170, 3176, I. R. C.)

§ 190.132 *Disposition of qualifying documents.* Where the rectifier's bond, Form 34, and notice, Form 27–B, are approved by the Commissioner, the district supervisor will, upon receipt of the approved copies of such documents from the Commissioner, as provided in § 190.138, forward one copy of the bond, notice, plat, plans, and other qualifying documents to the rectifier, and will retain one copy of such documents for the file. If the rectifier's bond is disapproved, the district supervisor will, upon receipt from the Commissioner of the disapproved copies of such bond and other qualifying documents submitted therewith, return all copies of the qualifying documents to the proprietor, with advice as to the reasons for such disapproval. (Secs. 2800 (e) (1), 3176, I. R. C.)

§ 190.138 *Qualifying documents.* The Commissioner will review the notice, plat, plans, rectifier's bond, Form 34, and other qualifying documents, upon their receipt from the district supervisor. If the Commissioner approves the rectifying plant construction and equipment, and the plat, plans, bond, and notice, and other qualifying documents, he will assign a registry number to the rectifying plant in accordance with § 190.139, note his approval on all copies of the bond and notice, retain one copy of the bond and notice, and all copies of the other qualifying documents, and will return two copies of the approved bond and notice to the district supervisor, with advice as to his action on the qualifying documents. If the Commissioner disapproves the bond, he will note his disapproval thereon and will return all copies thereof to the district supervisor, accompanied by the other qualifying documents submitted therewith, and a statement of the reasons for disapproval of the bond. (Secs. 2815 (c) (d), 3176, I. R. C.)

§ 190.177 *Application, Form 122.* When the rectifier desires to dump spirits for rectification, he will carefully gauge each package and prepare Form 122, in duplicate, giving a complete description of the packages and making application for permission to dump the same, except that where spirits are transferred to the rectifying plant, directly upon taxpayment, from a contiguous distillery or internal revenue bonded warehouse and dumped for rectification within ten days after receipt, the withdrawal gauge will be considered as satisfying the requirement that the spirits shall be gauged when dumped for rectification. Where the spirits are so dumped on the withdrawal gauge, the details of such gauge will be copied on Form 122, and, in addition thereto, if the rectifying plant is equipped with processing tanks mounted on scales, the spirits may be dumped and gauged by weight in such processing tanks. In such case, the composite proof and proof gallons determined by such gauge shall also be reported on Form 122. The difference in proof gallons between the withdrawal (taxpayment regauge) and such gauge shall also be reported on Form 122. If the spirits are to be drawn from a storage tank, the rectifier will likewise execute Form 122, giving all the information applicable. Each Form 122 will be given a serial number beginning with "1" for the 1st day of January of each year and running consecutively thereafter to December 31, inclusive. (Secs. 2801 (e) (1), 2813, 3176, I. R. C.)

§ 190.262 *Application required for extension.* Where the rectifier desires to employ a process of rectification which will extend over more than 10 days, thus necessitating the holding of the spirits in the rectifying room for such longer period, application in quadruplicate for approval of such extended process must be incorporated in the Form 27–B Supplemental, and filed with the district supervisor as provided in § 190.152. The rectifier must set forth fully on such form following the statement of process, the reason why the period of time specified for completion of the process is necessary. (Secs. 2801 (e) 3176, I. R. C.)

§ 190.263 *Inquiry by district supervisor.* Upon receipt of a Form 27–B Supplemental requesting approval of a process requiring more than 10 days for completion, the district supervisor will make such inquiry as he may deem proper to determine the necessity for the extended period, and whether approval thereof will jeopardize the revenue. He will then forward all copies of the Form 27–B Supplemental to the Commissioner along with his findings and recommendation. The Form 27–B Supplemental will be disposed of in the manner prescribed by § 190.156. (Secs. 2801 (e), 3176, I. R. C.)

§ 190.392 *Shipment of stamps.* Where the stamps are to be shipped, the collector will forward the stamps to the Government officer by registered mail or express. The expense of forwarding the stamps by registered mail or express will be borne by the proprietor. The collector may furnish the stamps directly to the proprietor for immediate delivery to the Government officer in accordance with § 190.391. (Secs. 2801 (e), 3176, I. R. C.)

§ 190.471a *Registry on Form 26.* Every person having in his possession or custody or under his control any still or distilling apparatus that is set up, must register the same on Form 26, in triplicate, with the district supervisor for the district in which it is set up. Stills to be used for the rectification of any type of distilled spirits may be registered for "Rectification of distilled spirits," and the specific type need not be shown. Thereafter, when another type of distilled spirits is to be rectified, the still need not be reregistered. The temporary suspension of a rectifying plant will not necessitate reregistration of the stills. Furthermore, the operation of a rectifying plant by alternating proprietors, where no actual change in ownership occurs, will not require reregistration of the stills by the proprietors. Where there is a change in location or use, or an actual change in ownership of a still, the still must be registered to reflect the change. The district supervisor will, upon approving the registration of a still on Form 26, retain one copy of the form, forward one copy to the Commissioner, and return the remaining copy to the rectifier. (Secs. 2801 (e) 2810, 3170, 3176, I. R. C.)

3. This Treasury decision shall be effective on the 31st day after its publication in the FEDERAL REGISTER.

[F. R. Doc. 48-8484; Filed, Sept. 21, 1948; 8:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR, Part 240]

REGULATIONS OR LEGISLATION REGARDING THE STABILIZATION OF MARKET PRICES BY PERSONS OFFERING SECURITIES TO THE PUBLIC

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission is proposing to consider the adoption or amendment of rules and regulations or the recommendation of legislation relating to the stabilization of market prices by persons who are offering securities to the public. This notice is given pursuant to the Commission's order of March 23, 1948, instituting a public investigation in the matter of offering of common stock of Kaiser-Frazer Corporation. That order specified that it was one purpose of the investigation to aid the Commission in its functions under the Securities Exchange Act of 1934 of prescribing rules and regulations and securing information to serve as a basis for recommending further legislation.

Stazilization is that process whereby the market price of a security is pegged or fixed for the limited purpose of preventing or retarding a decline in contemplation of or during a public offering of securities. Section 9 of the Securities Exchange Act of 1934 deals generally with various manipulative practices. Section 9 (a) (2) makes it unlawful in general terms for any person, by use of the mails or any instrumentality of interstate commerce or any facility of a national security exchange,

To effect, alone or with one or more other persons, a series of transactions in any security registered on a national securities exchange creating actual or apparent active trading in such security or raising or depressing the price of such security, for the purpose of inducing the purchase or sale of such security by others.

This general anti-manipulative provision, however, is limited by section 9 (a) (6) which outlaws stabilization only if effected in contravention of Commission rules. Section 9 (a) (6) makes it unlawful

To effect either alone or with one or more other persons any series of transactions for the purchase and/or sale of any security registered on a national securities exchange for the purpose of pegging, fixing, or stabilizing the price of such security in contravention of such rules and regulations as the Commission may prescribe as necessary or appropriate in the public interest or for the protection of investors.

The Commission has in effect certain disclosure rules concerning stabilization. These rules were adopted under provisions other than section 9 (a) (6) One rule requires the filing of reports by persons effecting stabilizing transactions.[1] Another rule requires that in the case of an issue of securities registered under the Securities Act of 1933 a statement of intention to stabilize appear prominently on the first or second page of the prospectus whenever the issuer or any of the underwriters knows or has reasonable grounds to believe that it is intended to stabilize.[2] However, the only substantive regulation of stabilizing thus far adopted, and the only regulation under section 9 (a) (6) is Regulation X-9A6-1, which is limited to offerings made "at the market" instead of at a fixed price. In connection with the adoption of this regulation the Commission issued a statement, together with a separate statement by the late Commissioner Healy, discussing both the technical problems involved in the regulation of stabilizing and the fundamental questions of policy.[3] While the Commission agreed unanimously that stabilizing was manipulation, the majority considered the alternatives of prohibition, inaction and regulation, and concluded in favor of attacking the problem step-by-step through the Commission's rule-making authority. Commissioner Healy in his dissenting opinion observed that the differences between "manipulation" and "stabilization" were often difficult of perception, and he disagreed with the view that section 9 (a) (6) left the Commission with no authority to outlaw stabilization.

In the absence of any applicable rule except with respect to "market offerings" (which in recent years have been very rare) the question whether a particular course of conduct is unlawful manipulation or lawful stabilization rests at present on interpretation of section 9 (a) (2) which must of course be construed in the light of section 9 (a) (6) Sections 9 (a) (2) and 9 (a) (6) are by their terms limited to securities registered on a national securities exchange. However, the Commission has repeatedly held[4] that conduct which violates section 9 (a) (2) when it concerns a registered security violates the general anti-fraud provisions[5] when it concerns a security not registered on an exchange. Consequently, the line between fraud or manipulation and lawful stabilization with respect to unregistered securities rests similarly at present on interpretation of these general anti-fraud provisions, which like section 9 (a) (2) must be construed in the light of the fact that the Congress when it dealt specifically with stabilization determined not to outlaw the practice by statute.

There are no judicial precedents defining the difference between stabilization and other forms of manipulation. The Commission's administrative interpretation was publicly expressed on July 15, 1948, in connection with the present investigation. In ruling on a motion presented by one of the witnesses the presiding officer made the following statement on the Commission's behalf:

It has for many years been the Commission's position, expressed both orally and by letter to any member of the public making proper inquiry, that stabilization for the sole purpose of preventing or retarding a decline, whether the stabilization is effected by an underwriter or by an issuer, does not of itself violate section 9 (a) (2) or any other section of the Securities Exchange Act of 1934 so long as the stabilizing purchases are effected at whichever is the lower of two figures—(1) a bona fide independent market price for the security being stabilized or (2) the public offering price of the issue once the offering is made—and that within these restrictions there is no limit under existing statute and rules on the amount of securities which may be purchased in the stabilizing process.

The record of the present investigation indicates that Kaiser-Frazer Corporation on February 3, 1948, undertook for its own account to stabilize the market for its common stock on the New York Curb Exchange and other exchanges in advance of the proposed public offering of the stock, and during the course of the stabilization that day purchased a total of 186,200 shares. The total offering was 1,500,000 shares, 900,000 "firm" and 600,000 on a "best efforts" basis, and the registration statement under the Securities Act of 1933 became effective as of 5:30 p. m. on February 3.

In the Commission's experience it is not unusual for a utility company soliciting competitive bids in connection with a proposed offering of securities to reserve the right to stabilize for a short period preceeding the opening of the bids, but it has not been customary for the issuer to stabilize in connection with negotiated underwritings. So far as the amount of stock purchased by way of stabilization is concerned, the Commission has imposed no restrictions. Frequently however the agreement among underwriters reserves to the managers the right to repurchase a fixed percentage of the amount of securities being offered, the amount not infrequently running as high as 15 percent.

The Commission desires to receive the benefit of any suggestions which issuers, underwriters or others interested in the distribution of securities as sellers or purchasers may have for changes in the present treatment of stabilization, whether through changes in existing rules or regulations or through additional legislation. If the Commission determines after receiving these suggestions that changes are necessary, a further opportunity will be afforded to comment on specific proposals prior to any substantial alteration in the Commission's rules.

Without limiting the scope of its invitation for comment, the Commission is

[1] Rule X-17A-2, adopted under section 17 (a) of the Securities Exchange Act of 1934.

[2] Rule 426, adopted under the Securities Act of 1933.

[3] Securities Exchange Act Release No. 2446, 11 F. R. 10971, § 241.2446 (1940).

[4] See, for example, Barrett & Co., 9 SEC 319 (1941).

[5] Section 17 (a) of the Securities Act of 1933 and sections 10 (b) and 15 (c) (1) of the Securities Exchange Act of 1934. In addition to the general rules under sections 10 (b) and 15 (c) (1)—Rules X-10B-5 and X-15C1-2 respectively—there is a more specific rule under the latter section, Rule X-15C1-8, which in effect prohibits any broker or dealer participating or otherwise financially interested in the distribution of an over-the-counter security from representing to a customer that the security is being offered "at the market" or at a price related to the market price, unless the broker or dealer knows or has reasonable grounds to believe that a market for the security exists other than that made, created or controlled by him or any person for whom he is acting or with whom he is in a control relationship.

particularly interested in the following questions:

1. Whether the Commission, by rule, should prohibit all stabilizing to facilitate offerings of securities, or whether it should prohibit specific types or aspects of stabilizing: for example, (a) stabilizing in advance of a public offering, (b) stabilizing by an issuer, (c) stabilizing of any class of securities of an issuer other than the class being offered, or (d) overallotment of the offered security.

2. Whether the Commission should impose limitations on the nature or extent of stabilizing and related activities: for example, (a) by limiting the amount of securities which may be purchased for the purpose of stabilizing to some percentage of the amount being offered to the public or some percentage of the amount of the security traded on the stock exchange (where the security is traded on an exchange) or (b) by applying to all stabilizing operations some formula for the dropping of bids comparable to that contained in the Commission's Regulation X-9A6-1, or (c) by prohibiting a stabilizer from raising his stabilizing bid under any circumstances (or, alternatively, by permitting such an increase in the bid only where an independent market has existed at a higher level for a given period of time) or (d) by prohibiting certain classes of persons having an interest in an offering of securities from effecting any purchases whatever of securities of the offered class for a period prior to and during the offering, except properly limited stabilizing purchases and purchases from the person making the offering or from other participants in the distribution.

3. Whether the right to stabilize should be conditioned on the assumption by the stabilizer of any affirmative obligations: for example, (a) an obligation to "sponsor" the market for a period after the distribution is completed, or (b) an obligation for a limited time to repurchase on demand securities sold while the market was being stabilized, or (c) an obligation to prevent or retard any rise in the market price prior to the completion of the distribution if the stabilizer has previously purchased securities to prevent or retard a decline in the market.

4. Whether there should be any added requirements for the disclosure of stabilizing either generally or in each transaction or quotation: for example, disclosure (a) on the stock-exchange ticker tape or (b) in reports of transactions or quotations in newspapers or quotation services or (c) in confirmations given to customers.

5. Whether, in order to avoid violations of law, members of stabilizing syndicates should receive from the syndicate manager more information than they do under current practices regarding the status of the distribution and the commencement and termination of stabilizing.

6. Whether it would be desirable and feasible for the Commission to prohibit attempts to profit from the price disparities which are sometimes incident to distributions of securities: for example, (a) whether the public should be prohibited from selling securities against a stabilizing bid with the intention of replacing the securities from the offered issue at a lower price, or (b) whether distributing firms should be required to make a bona fide offering at the public offering price before selling their allotments at higher prices.

7. Whether any action should be taken regarding problems arising under special circumstances: for example, where an underwriter who has a commitment to purchase stock not subscribed through warrants or rights desires to purchase warrants in the market in order to cover current sales of stock and thereby to reduce the size of his commitment.

8. Whether any other changes are appropriate in the Commission's present rules and interpretations regarding stabilizing: for example, Rule 426 under the Securities Act of 1933, Regulation X-9A6-1 under the Securities Exchange Act of 1934, Rules X-15C1-8 and X-17A-2 and Form X-17A-1 under the latter statute, and the opinions regarding stabilizing in Securities Exchange Act Releases Nos. 3505 and 3506, 11 F. R. 10986 and 10987, §§ 241.3505 and 241.3506 (1943)

All interested persons may submit views and comments in writing to the Securities and Exchange Commission, 425 Second Street, NW., Washington 25, D. C., on or before November 1, 1948. To the extent practicable, such comments should refer by number and letter to the problems outlined above.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

SEPTEMBER 15, 1948.

[F. R. Doc. 48-8475; Filed, Sept. 21, 1948; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service: Bureau of the Public Debt

[1948 Dept. Circ. 835]

1¼ PERCENT TREASURY CERTIFICATES OF INDEBTEDNESS OF SERIES G–1949

OFFERING OF CERTIFICATES

SEPTEMBER 20, 1948.

I. *Offering of certificates.* 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States, for certificates of indebtedness of the United States, designated 1¼ percent Treasury Certificates of Indebtedness of Series G–1949, in exchange for Treasury Certificates of Indebtedness of Series J–1948 or Series K–1948, or Treasury Notes of Series B–1948, all maturing October 1, 1948.

II. *Description of certificates.* 1. The certificates will be dated October 1, 1948, and will bear interest from that date at the rate of 1¼ percent per annum, payable with the principal at maturity on October 1, 1949. They will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates shall be subject to all taxes now or hereafter imposed under the Internal Revenue Code, or laws amendatory or supplementary thereto. The certificates shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will not be acceptable in payment of taxes.

4. Bearer certificates will be issued in denominations of $1,000, $5,000, $10,000, $100,000 and $1,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. *Subscription and allotment.* 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of certificates applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. *Payment.* 1. Payment at par for certificates allotted hereunder must be made on or before October 1, 1948, or on later allotment, and may be made only in Treasury Certificates of Indebtedness of Series J–1948 or Series K–1948, or Treasury Notes of Series B–1948, all maturing October 1, 1948, which will be accepted at par, and should accompany the subscription. The full amount of interest due on the securities surrendered will be paid to the subscriber following acceptance of the securities.

V. *General provisions.* 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allot-

ments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] JOHN W. SNYDER,
Secretary of the Treasury.

[F. R. Doc. 48-8485; Filed, Sept. 21, 1948; 8:46 a. m.]

CIVIL AERONAUTICS BOARD

[Docket No. 3478]

PHILIPPINE AIR LINES, INC.

NOTICE OF HEARING

In the matter of the application of Philippine Air Lines, Inc., under section 402 of the Civil Aeronautics Act of 1938, as amended, for amendment of its foreign air carrier permit to include Guam as an intermediate point on the route between Manila, Philippine Islands, and San Francisco, California, via Honolulu, T. H.

Notice is hereby given pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 402 and 1001 of said act, that a hearing in the above-entitled proceeding is assigned to be held on September 27, 1948 at 10:00 a. m. (eastern standard time) in Room 1011, Temporary Building No. 5, 16th Street and Constitution Ave., N. W., Washington, D. C., before Examiner Richard A. Walsh.

Without limiting the scope of the issues presented by said application, particular attention will be directed to the following matters and questions:

1. Whether the proposed air transportation will be in the public interest, as defined in section 2 of the Civil Aeronautics Act of 1938, as amended.

2. Whether the applicant is fit, willing and able to perform such transportation and to conform to the provisions of the act and the rules, regulations, and requirements of the board thereunder.

3. Whether the authorization of the proposed transportation is consistent with any obligation assumed by the United States in any treaty, convention or agreement in force between the United States and the Republic of the Philippines.

Notice is further given that any person desiring to be heard in this proceeding must file with the Board, on or before September 27, 1948, a statement setting forth the issues of fact or law raised by said application which he desires to controvert.

For further details of the service proposed and authorization requested, interested parties are referred to the application on file with the Civil Aeronautics Board.

Dated at Washington, D. C., September 16, 1948.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 48-8472; Filed, Sept. 21, 1948; 8:48 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-1123]

TEXAS GAS TRANSMISSION CORP.

NOTICE OF APPLICATION

SEPTEMBER 16, 1948.

Notice is hereby given that on September 13, 1948, an application was filed with the Federal Power Commission by Texas Gas Transmission Corporation (Applicant) a Delaware corporation with its principal places of business at Memphis, Tennessee, and Owensboro, Kentucky, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of two 12¾-inch O. D. submarine pipe lines across the Mississippi River near Greenville, Mississippi, and to increase in length and size to 11,000 feet of 26-inch O. D. pipe, the 9,000 feet of 18-inch O. D. pipe extension to the main line header stations of Applicant's 14-inch river crossing, which 9,000 feet extension was authorized by the Federal Power Commission on August 18, 1948, by order issued in Docket No. G-1033.

Applicant states that it presently has in service three 10-inch submarine pipe lines across the Mississippi River to serve its two parallel 18-inch land lines, and also has one 14-inch submarine Mississippi River crossing which was broken early in 1948 and which Applicant now is repairing and relaying. It is stated that due to the changing course of the Mississippi River at the site of Applicant's three 10-inch crossings there is grave danger of one or more of these lines being lost which loss would severely peril the supply of gas to Applicant's customers, and that with all of the three 10-inch lines and one 14-inch line in service there still remains inadequate river crossing pipeline capacity at Greenville for Applicant's two 18-inch land lines.

Applicant states it is imperative that it install additional Mississippi River pipeline crossings to insure against the peril of failure during the coming winter of one or more of the 10-inch lines and also to eliminate to the greatest possible degree the pipeline pressure drop at the Mississippi River which has resulted from inadequate river crossing pipeline capacity.

Applicant requests emergency authorization for the immediate installation of the proposed facilities and as reasons therefor states:

Applicant at this time has at the river crossing site approximately 8,000 feet of 12-inch O. D. pipe which is adequate to install two submarine crossings. There also is at the site a large contracted marine fleet which Applicant brought to Greenville from St. Louis and Cape Girardeau, Missouri, and Memphis, Tennessee, to repair and relay its 14-inch submarine crossing. In addition to this fleet a pipeline contractor's crew and heavy equipment are at the site repairing and replacing the 14-inch crossing. The major cost of the marine fleet consists of the cost of moving to and from the job site, which takes several days, and Applicant therefore will save a very large amount of installation costs if the two 12-inch submarine crossing lines can be installed while the fleet and contractor's equipment are at the river crossing site. In Docket No. G-1033 a certificate of public convenience and necessity was issued to Applicant authorizing the installation of 9,000 feet of 18-inch pipe to extend its 14-inch submarine river crossing to the main line header stations. Applicant has been unable to obtain the 18-inch pipe but in lieu thereof has obtained and has at the river crossing site an adequate supply of 26-inch pipe for such extension. Also, Applicant has found it necessary to relay a substantial portion of its 14-inch river crossing, which will require a slight change in the location of the line and necessitate an extension of 11,000 feet instead of 9,000 feet to the main line header stations. A substantial saving in installation costs can be made by constructing this extension while the contractors equipment is located at the job site.

Applicant states that the service to be rendered upon completion of the proposed facilities will not be different from that now rendered, but that its customers on its Memphis Division will be insured during the coming winter against extended failure of gas supply which may occur should the changing course of the Mississippi River result in a loss of one or more of Applicant's existing 10-inch river crossing lines.

Total estimated cost of construction of the proposed facilities is $360,400 and no additional financing will be required by Applicant in order to complete such construction.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Rule 37 of the Commission's rules of practice and procedure (18 CFR 1.37) and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Texas Gas Transmission Corporation is on file with the Commission and open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of Rule 8 or 10, whichever is applicable, of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10)

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-8467; Filed, Sept. 21, 1948; 8:48 a. m.]

[Docket No. G-1123]

TEXAS GAS TRANSMISSION CORP.

ORDER FIXING DATE OF HEARING

SEPTEMBER 16, 1948.

Upon consideration of the application filed September 13, 1948, by Texas Gas Transmission Corporation (Applicant) a Delaware corporation with its principal places of business at Owensboro, Kentucky, and Memphis, Tennessee, for a certificate of public convenience and necessity pursuant to section 7 (c) of the Natural Gas Act, as amended, authorizing the construction and operation of certain natural-gas facilities subject to the jurisdiction of the Commission as fully described in such application on file with the Commission and open to public inspection, public notice of said application being published in the FEDERAL REGISTER concurrently with this order;

The Commission orders that:

(A) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure, a public hearing be held on the 27th day of September, 1948, at 10:00 a. m. (e. s. t.) in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, N. W., Washington, D. C., concerning the matters involved and the issues presented by the application, as amended, in this proceeding.

(B) Interested State commissions may participate as provided by sections 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: September 17, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48-8468; Filed, Sept. 21, 1948; 8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-1934]

ATLANTIC CITY ELECTRIC CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 15th day of September A. D. 1948.

Atlantic City Electric Company ("Atlantic City"), an electric utility subsidiary of American Gas and Electric Company, a registered holding company, having filed an application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 with respect to the following transactions:

Pursuant to a credit agreement approved by the Commission on July 11, 1947 (Holding Company Act Release No. 7563) which provided that Irving Trust Company and Guaranty Trust Company of New York would make certain loans to Atlantic City from time to time aggregating $3,600,000, and in accordance with which the sum of $2,000,000 has already been borrowed, Atlantic City proposes to borrow from such banks an additional $750,000. The proposed loans will be evidenced by promissory notes maturing December 31, 1950, and will bear interest at the rate of 1½% per annum until July 11, 1949, and thereafter at the rate of 1¾% per annum until maturity. The notes may be prepaid in whole or in part upon 10 days notice without premium unless such prepayment is made with money borrowed at a lower rate of interest, in which event a premium of ¼ of 1% per annum of the amount being prepaid shall be payable.

The proceeds of such loan will be applied in part to the payment of 60 day notes, due October 15, 1948, in the aggregate amount of $500,000 issued in anticipation of the present proposed borrowing to reimburse the company for expenditures theretofore made for property additions. The balance of the proceeds will be added to the general treasury funds of the company.

Atlantic City states that the proposed transaction is subject to the jurisdiction of the Board of Public Utility Commissioners of the State of New Jersey, in which State the company was organized and is doing business, and that a copy of such Commission's order approving the proposed loan will be supplied by amendment.

The application having been filed on August 24, 1948 and notice of said filing having been given in the form and manner prescribed by Rule U-23, promulgated pursuant to the act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application that the requirements of the applicable provisions of the act and rules thereunder are satisfied and that no adverse findings are necessary thereunder and deeming it appropriate in the public interest to grant said application; and also deeming it appropriate to grant applicant's request that the order herein become effective forthwith upon the issuance thereof;

It is ordered, pursuant to Rule U-23 and the applicable provisions of the act that said application be, and the same hereby is, granted, effective forthwith, subject to the terms and conditions contained in Rule U-24 and subject to the further condition that the proposed borrowing shall not be consummated until the same has been approved by the Board of Public Utility Commissioners of the State of New Jersey.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-8476; Filed, Sept. 21, 1948; 8:48 a. m.]

[File No. 70-1898]

UNION PRODUCING CO.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 15th day of September A. D. 1948.

Union Producing Company ("Union") a wholly owned non-utility subsidiary of United Gas Corporation which in turn is a subsidiary of Electric Power & Light Corporation, a registered holding company, having filed an application pursuant to sections 9 (a) (1) and 10 of the Public Utility Holding Company Act of 1935 with respect to the following transactions:

Union proposes to acquire for a cash consideration of $100 one share of common stock, par value $100, of Drilling Research, Inc., a new corporation to be organized under the laws of the State of Delaware.

The proposed new corporation will have an authorized capital stock of 100 shares of common stock, $100 par value, and upon the formation thereof each of the thirty-nine oil companies presently listed as participating in the organization of the new corporation will subscribe to one share of common stock. Each subscriber will be entitled to elect one director.

The stated purpose for forming the new corporation is to formulate and carry out a drilling research program for the discovery and development of new methods and apparatus useful in the drilling of natural gas and oil wells, and other forms of petroleum hydrocarbons. The net expense of such research program, estimated at $750,000 for a period commencing July 1, 1948 and ending December 31, 1951, will be underwritten by the stockholders of the new company. Such underwriting will be done on the basis of a formula predicated on the number of wells drilled by each stockholder for the past three years. Under such formula Union's share of the expense is estimated at $5,700 for the period.

Said application having been filed on July 23, 1948 and notice of such filing having been duly given in the form and manner prescribed by Rule U-23, promulgated pursuant to the act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said application that the requirements of the applicable provisions of the act and rules thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest that said application be granted; and further deeming it appropriate to grant the request of applicant that the order herein become effective upon issuance;

It is hereby ordered, pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24 that said application be, and the same hereby is, granted and permitted to become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-8477; Filed, Sept. 21, 1948; 8:47 a. m.]

[File Nos. 70-1852, 70-1890]

INDIANA SERVICE CORP. ET AL.

SUPPLEMENTAL ORDER RELEASING JURISDICTIONS AND GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 15th day of September A. D. 1948.

In the matter of Indiana Service Corporation, Indiana & Michigan Electric Company, American Gas and Electric Company, File No. 70-1852; Indiana & Michigan Electric Company, File No. 70-1890.

The Commission by order dated June 30, 1948 having granted the joint application of American Gas and Electric Company, a registered holding company, and its subsidiaries, Indiana Service Corporation ("Indiana Service") and Indiana & Michigan Electric Company ("Indiana & Michigan") relating, among other things, to the merger of Indiana Service into Indiana & Michigan (File No. 70-1852, Holding Company Act Release No. 8325) and having reserved jurisdiction to consider the fees and expenses incurred in connection with said merger in conjunction with the fees and expenses to be incurred in connection with the proposed financing of the merged company; and

The Commission having, by order dated August 26, 1948, granted the application of Indiana & Michigan, the merged company, regarding the proposed issue and sale of $25,000,000 principal amount of First Mortgage Bonds, _____% Series, due 1978, pursuant to the competitive bidding requirements of Rule U-50, (File No. 70-1890. Holding Company Act Release No. 8471), the granting of said application being subject, however, to the condition, among others, that the proposed issue and sale of bonds should not be consummated until the results of the competitive bidding pursuant to Rule U-50 had been made a matter of record in this proceeding and a further order had been issued by this Commission in the light of the record so completed; and

The Commission having reserved jurisdiction over the fees and expenses to be paid in connection with the proposed issue and sale of bonds; and

A further amendment having been filed on September 15, 1948, setting forth the action taken by Indiana & Michigan to comply with the requirements of Rule U-50 and stating that pursuant to the invitation for competitive bids, the following bids for the bonds have been received:

Bidding group headed by—	Coupon rate	Price to company (percent of principal amount)	Annual cost of money (percent)
The First Boston Corp.	3	100.419	2.97878
Halsey Stuart & Co., Inc.	3	100.1599	2.99188
Harriman Ripley & Co.	3⅛	102.31	3.00767
Dillon Read & Co., Inc.	3⅛	102.1599	3.0151

Said amendment having further set forth that Indiana & Michigan has accepted the bid of the First Boston Corporation, as set out above and that such bonds will be offered for sale to the public at a price of 100.79% of the principal amount thereof plus accrued interest from September 1, 1948 to the date of delivery, resulting in an underwriter's spread of 0.371% of the principal amount of said bonds; and

Said amendment having also set forth the nature and extent of the legal services rendered in connection with the merger and bond financing and the fees requested in connection therewith and estimated expenses of counsel for which reimbursement is requested; and

It appearing to the Commission that such legal fees and expenses of counsel as set forth below are not unreasonable and that jurisdiction over such matters should be released:

	Merger and bond financing fees	Estimated expenses
Simpson, Thacher & Bartlett, counsel for applicants	$30,000	$950
Seebrit, Oare & Deahl, Indiana counsel for applicants	8,500	675
Other Indiana counsel for applicants	4,000	----
Burns & Hadsell, Michigan counsel for applicants	6,500	625
Winthrop, Stimson, Putnam & Roberts, counsel for successful bidders	12,000	----

The Commission having examined such amendment and having considered the record therein and finding no basis for imposing terms and conditions with respect to such matters:

It is ordered, that the jurisdiction heretofore reserved with respect to the matters to be determined as a result of the competitive bidding under Rule U-50 and with respect to the fees and expenses in connection with the merger of Indiana Service into Indiana & Michigan and in connection with the issue and sale of bonds by Indiana & Michigan be, and hereby is released, and that the said applications, as amended, be, and the same hereby are, granted, effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-8478; Filed, Sept. 21, 1948; 8:47 a. m.]

[File No. 70-1930]

NIAGARA HUDSON POWER CORP.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 15th day of September 1948.

Notice is hereby given that an application-declaration his been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Niagara Hudson Power Corporation ("Niagara Hudson") a registered holding company. Niagara Hudson has designated sections 9, 10, and 12 of the act and Rule U-45 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than September 24, 1948, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said application-declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 2d Street, NW., Washigton 25, D. C. At any time after September 24, 1948, said application-declaration, as filed or as amended, may be granted and permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said application-declaration which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Niagara Hudson holds, as collateral security for certain promissory notes of A. Augustus Low in the amount of $684,498, all of the outstanding capital stock, consisting of 6,300 shares, of Old Forge Electric Corporation ("Old Forge") The notes are collectible only through recourse to the collateral.

Niagara Hudson proposes to acquire all of the outstanding capital stock of Old Forge in consideration for the cancellation of the promissory notes. The notes are carried by Niagara Hudson at $368,443, the book value of the stock of Old Forge at February 1, 1937. Subsequent to its acquisition of the Old Forge stock, Niagara Hudson proposes to forgive a demand note of Old Forge due to Niagara Hudson in the amount of $133,904, and interest receivable in the amount of $197,596, the total of such indebtedness being $331,500. Old Forge will eventually be merged into Niagara Hudson's subsidiary, Central New York Power Corporation, although such merger is not a proposal under the present filing.

The Public Service Commission of the State of New York, by order dated July 27, 1948, approved the acquisition of the stock of Old Forge by Niagara Hudson.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-8479; Filed, Sept. 21, 1948; 8:47 a. m.]

[File Nos. 59-11, 59-17, 54-25]

UNITED LIGHT & RAILWAYS CO. ET AL.

ORDER GRANTING APPLICATION-DECLARATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 15th day of September A. D. 1948.

In the matter of the United Light and Railways Company, American Light & Traction Company, et al., File Nos. 59-11, 59-17, 54-25.

American Light & Traction Company ("American Light") a registered holding company, having filed an application-declaration pursuant to the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder with respect to a proposal to sell at competitive bidding, pursuant to Rule U-50, 190,000 shares of the common stock of The Detroit Edison Company ("Detroit Edison") and to invest the proceeds in the common stock of its subsidiary Michigan-Wisconsin Pipe Line Company ("Michigan-Wisconsin") or to use such proceeds to reimburse American Light's treasury on account of funds heretofore invested in Michigan-Wisconsin;

Said application-declaration having been filed as a step in the consummation of a plan filed pursuant to section 11 (e) of the act by American Light and the United Light and Railways Company, which plan was approved by order of the Commission dated December 30, 1947, and which provided, among other things, for (1) the divestment by American of its holdings of 1,418,125 shares of Detroit Edison common stock and the investment of not to exceed $25,000,000 of the proceeds of such sale in the common stock of Michigan-Wisconsin, a company organized in 1945 for the purpose of constructing and operating a natural gas pipe line; (2) the offer by American Light to purchase at $33 per share its outstanding 6% $25 par value non-callable stock; (3) the disposition by Railways of its non-retainable interest in American and the latter's disposition of its non-retainable interest in Madison Gas and Electric Company ("Madison"), and (4) consummation of the plan prior to December 31, 1948, except as it relates to the completion of the construction of the Michigan-Wisconsin pipe line;

The Commission, after hearings upon appropriate notice, having by orders dated August 5, 1948, and August 11, 1948, granted and permitted to become effective the aforesaid application-declaration as it relates to the sale by American Light of the 190,000 shares of the common stock of Detroit Edison, and having in said orders reserved jurisdiction with respect to the issues presented by the proposed use of the proceeds of said sale;

The Commission having heard argument with respect to the issues presented by the proposed use of the proceeds of said sale and in the course of said argument Allied Chemical & Dye Corporation, a preferred stockholder of American Light, having urged that the Commission require that American Light go forward immediately with those provisions of the aforesaid section 11 (e) plan relating to the purchase of American Light's outstanding preferred stock;

The Commission having considered the issues and contentions presented and being of the view, for the reasons to be stated in Findings and Opinion hereafter to be released, that retirement of the preferred stock of American Light is practicable at the present time under the terms of the section 11 (e) plan and should be carried out by American Light forthwith; but, in view of the representations of American Light that the said proceeds are urgently needed to meet the construction requirements of Michigan-Wisconsin, the Commission deeming it appropriate to release jurisdiction with respect to the aforesaid proceeds;

It is ordered, that the aforesaid application-declaration as it relates to the proposed investment of the proceeds of the sale by American Light of 190,000 shares of the common stock of Detroit Edison be and hereby is granted and permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24 of the general rules and regulations under the act, and that the jurisdiction heretofore reserved in the orders of the Commission of August 5, 1948, and August 11, 1948, with respect to the issues presented by the proposed use of such proceeds be and the same hereby is released, but that, for the reasons to be set forth in the findings an opinion to be issued, the Commission reserves jurisdiction, if steps are not promptly taken to retire the preferred stock of American Light, to take such action as may be appropriate to ensure expeditious compliance with that and the other remaining provisions of the section 11 (e) plan.

By the Commission.

[SEAL] NELLYE A. THORSEN, *Assistant Secretary.*

[F. R. Doc. 48-8480; Filed, Sept. 21, 1948; 8:47 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9783, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 11717]

MARIE MUELLER

In re: Estate of Marie Mueller, deceased. File D-28-7468; E. T. sec. 7987.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Julia Lindner, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the sum of $6,271.75 deposited with the County Treasurer of Cook County, Illinois, to the credit of the aforesaid national, pursuant to an order of the Probate Court of Cook County, Illinois, in the matter of the Estate of Marie Mueller, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany),

3. That such property is in the process of administration by the Treasurer of Cook County, Illinois, as Depositary, acting under the judicial supervision of the Probate Court of Cook County, Chicago, Illinois;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on July 27, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON, *Deputy Director, Office of Alien Property.*

[F. R. Doc. 48-8483; Filed, Sept. 21, 1948; 9:17 a. m.]

[Vesting Order 11942]

MARGARETHE EBERHARDT ET AL.

In re: Trust Indenture dated June 23, 1930, for the benefit of Margarethe Eberhardt et al. File F-28-4070; E. T. sec. 434.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Margarethe Eberhardt, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees of Margarethe Eberhardt, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany),

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of them, in and to and arising out of that certain trust indenture dated June 23, 1930, by and between Margarethe Eberhardt et al. and The Plainfield Trust Company, trustee, being presently administered by The Plainfield Trust Company, 202 Park Avenue, Plainfield, New Jersey, as trustee,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof and the domiciliary personal representatives,

heirs, next of kin, legatees and distributees of Margarethe Eberhardt, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 2, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director
Office of Alien Property.

[F. R. Doc. 48-8490; Filed, Sept. 21, 1948; 9:18 a. m.]

[Vesting Order 11968]

CLARA BRUCHNER AND ERIKA BRUCHNER

In re: Rights of Clara Bruchner and Erika Bruchner under Insurance Contract. File No. D-28-2212-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Clara Bruchner and Erika Bruchner whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 951275-C, issued by the Metropolitan Life Insurance Company, San Francisco, California, to Albertine Hedwig Hecht, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, Clara Bruchner or Erika Bruchner, nationals of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director
Office of Alien Property.

[F. R. Doc. 48-8491; Filed, Sept. 21, 1948; 9:18 a. m.]

[Vesting Order 11969]

EIBE BRUNS

In re: Estate of Eibe Bruns, deceased. File D-28-7820; E. T. sec. 8403.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tadeus Hinderk Krull, Eibe Weerts, Franke Coordes, Metta Netzel, Hinderk Krull, Johann Weerts, Katharina Guertler, Metje Krull, Trientje Krull, Thedina Krull and Garl Johann Heinrich Bothmer, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Eibe Bruns, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany),

3. That such property is in the process of administration by Fred R. Iseli, Administrator, c. t. a., acting under the judicial supervision of the Probate Court of Brown County, State of Minnesota,

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8492; Filed, Sept. 21, 1948; 9:18 a. m.]

[Vesting Order 11970]

EMIL CLAUER

In re: Rights of Emil Clauer under Insurance Contract. File No. F-28-28801-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Emil Clauer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1030996, issued by The Mutual Life Insurance Company of New York, New York, New York, to William Clauer, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8493; Filed, Sept. 21, 1948; 9:18 a. m.]

[Vesting Order 11977]

HANS GERHARD CARL KREUGER ET AL.

In re: Rights of Hans Gerhard Carl Kreuger, Elisabeth Coing Kreuger, Marga Kalm Kreuger, Olga Kreuger and of the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Auguste Enslin, Assignee under Insurance Contracts. Files Nos. D-28-10464-H-1 and D-28-10464-H-2.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Hans Gerhard Carl Kreuger, Elisabeth Coing Kreuger, Marga Kalm Kreuger and Olga Kreuger, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Auguste Enslin, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany),

3. That the net proceeds due or to become due under contracts of insurance evidenced by policies Nos. 241009 and 249988, issued by the Mutual Life Insurance Company of New York, New York, New York, to Edward A. Meysenburg, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof and the domiciliary personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Auguste Enslin, deceased, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8494; Filed, Sept. 21, 1948; 9:18 a. m.]

[Vesting Order 11978]

CLARA KRUSE

In re: Rights of Clara Kruse under Insurance Contract. File No. D-28-10924-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Clara Kruse, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 42982103, issued by The Equitable Life Assurance Society of the United States, New York, New York, to Fred Kruse, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8495; Filed, Sept. 21, 1948; 9:18 a. m.]

[Vesting Order 11981]

DOROTHY MILLER

In re: Estate of Dorothy Miller, deceased. File No. D-28-10668; E. T. sec. 15022.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Frieda Müller, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Dorothy Miller, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany)

3. That such property is in the process of administration by James W. Brown, Public Administrator of Bronx County, as Administrator, acting under the judicial supervision of the Surrogate's Court of Bronx County, New York;

and it is hereby determined:

4. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8496; Filed, Sept. 21, 1948; 9:18 a. m.]

[Vesting Order 11935]

MARTHA REISS

In re: Estate of Martha Reiss, deceased. File No. D-28-12394, E. T. sec. 16618.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Wilhelm Kringer, Johanna Giessmann, also known as Johanna Gripsman, and Eckart Winter, also known as Echardt Winter, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof, and each of them, in and to the estate of Martha Reiss, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by Arthur Reiss and Gustav Lehmann, as Executors, acting under the judicial supervision of the

Surrogate's Court of Kings County, New York;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director
Office of Alien Property.

[F. R. Doc. 48-8497; Filed, Sept. 21, 1948; 9:18 a. m.]

[Vesting Order 11987]

BERTHA DOROTHEE SCHULZE

In re: Estate of Bertha Dorothee Schulze, deceased. File No. D-28-12388; E. T. sec. 16612.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Else Mayer, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the person identified in subparagraph 1 hereof, in and to the estate of Bertha Dorothee Schulze, deceased, is property payable or deliverable to, or claimed by the aforesaid national of a designated enemy country (Germany)

3. That such property is in the process of administration by William Schulze, as Administrator, acting under the judicial supervision of the Surrogate's Court, Westchester County, New York;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country, (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8455; Filed, Sept. 20, 1948; 8:49 a. m.]

[Vesting Order 11989]

LINA STEINBRENNER

In re: Rights of Lina Steinbrenner under insurance contract. File No. F-28-28015-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Lina Steinbrenner, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 5387546, issued by The Prudential Insurance Company of America, Newark, New Jersey, to Lina Steinbrenner, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8498; Filed, Sept. 21, 1948; 9:17 a. m.]

[Vesting Order 11990]

HEIGO TESHIROGI

In re: Rights of Heigo Teshirogi under insurance contract. File No. D-39-1347-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Heigo Teshirogi, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan),

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 8081224, issued by the New York Life Insurance Company, New York, New York, to Heigo Teshirogi, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of, or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8456; Filed, Sept. 20, 1948; 8:49 a. m.]

[Vesting Order 11992]

EMELINE G. A. VOELLER

In re: Estate of Emeline G. A. Voeller, deceased. File No. D-28-12366; E. T. sec. 16589.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Elise Schuster, Thekla Gretsel, Martha Hoffmann, Helene Beyer, and William Hicksch, whose last known

address is Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraph 1 hereof, and each of them, in and to the estate of Emeline G. A. Voeller, deceased, is property payable or deliverable to, or claimed by the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by Robert G. Wiencke, as substituted administrator, acting under the judicial supervision of the Atlantic County Orphans' Court, New Jersey;

and it is hereby determined:

4. That to the extent that the persons identified in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8458; Filed, Sept. 20, 1948; 8:49 a. m.]

[Vesting Order 12002]

LOUIS WAGNER

In re: Stock, debentures and bank accounts owned by Louis Wagner. F-28-12836-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Louis Wagner, whose last known address is Huppert, Near Bad Schwalbach, Taunus, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows:

(a) One (1) Realty Mortgage Insurance Corp. 6% Certificate of $1000, face value, bearing the number M 1114, presently in the custody of John B. Ehlen, attorney at law, 969 Monadnock Building, San Francisco 5, California, together with any and all rights thereunder and thereto,

(b) One (1) Realty Mortgage Insurance Corp. 6% Certificate of $5000, face value, bearing the number 2393, presently in the custody of John B. Ehlen, attorney at law, 969 Monadnock Building, San Francisco 5, California, together with any and all rights thereunder and thereto,

(c) One hundred twenty (120) shares of 7% preferred capital stock of the Master Holding Co., evidenced by a certificate numbered 353, and presently in the custody of John B. Ehlen, attorney at law, 969 Monadnock Building, San Francisco 5, California, together with all declared and unpaid dividends thereon,

(d) One hundred twenty (120) shares of common capital stock of the Master Holding Co., evidenced by a certificate numbered 353, and presently in the custody of John B. Ehlen, attorney at law, 969 Monadnock Building, San Francisco 5, California, together with all declared and unpaid dividends thereon,

(e) Thirty (30) shares of capital stock of The Elks Hall Association of Modesto (California), evidenced by certificates numbered 340 and 472, for 20 and 10 shares, respectively, and presently in the custody of John B. Ehlen, attorney at law, 969 Monadnock Building, San Francisco 5, California, together with all declared and unpaid dividends thereon,

(f) That certain debt or other obligation of the Home Mutual Deposit-Loan Company, 160 Sutter Street, San Francisco, California, arising out of a blocked account; account number 3085, entitled John B. Ehlen, maintained at the aforesaid deposit-loan company, and any and all rights to demand, enforce and collect the same, and

(g) That certain debt or other obligation of the Bank of America National Trust & Savings Assn., 300 Montgomery Street, San Francisco 20, California, arising out of a blocked account, account number 64, entitled John B. Ehlen and E. A. Lackmann, Trustees for Louis Wagner, an enemy alien, maintained at Branch Office No. 30 of the aforesaid bank located at Modesto, California, and any and all rights to demand, enforce and collect the same,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, Louis Wagner, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 7, 1948.

For the Attorney General.

[SEAL] MALCOLM S. MASON,
Acting Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-8460; Filed, Sept. 20, 1948; 8:49 a. m.]

CHARLES WILLIAM BERTHIEZ

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Charles William Berthiez, Paris, France; 31751; Property described in Vesting Order No. 233 (7 F. R. 9336, November 26, 1942) relating to United States Patent Application Serial No. 415,230 (now United States Letters Patent No. 2,382,392).

Executed at Washington, D. C., on September 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8500; Filed, Sept. 21, 1948; 9:17 a. m.]

SOCIETE ANONYME DE MERBES-SPRIMONT

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property and Location

Societe Anonyme de Merbes-Sprimont, 2, rue de Suisse, St. Gilles (Brussels), Belgium; 6209; $13,762.02 in the United States Treasury.

Executed at Washington, D. C., on September 15, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8501; Filed, Sept. 21, 1948; 9:17 a. m.]

[Vesting Order 12022]

EDWARD WOYDT

In re: Stock and checks owned by, and debts owing to, Edward Woydt. F-28-29107-A-1; F-28-29107-C-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Edward Woydt, whose last known address is Wagenburgstra 5, 14A Stuttgart, Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That the property described as follows:

a. Two and four tenths (2.4) shares of $10.00 par value common capital stock of Cities Service Company, a corporation organized under the laws of the State of Delaware, evidenced by certificates numbered 173813, 696394, 37176, and 384969, registered in the name of Edward Woydt, and presently in the custody of Harold H. McLean, 466 Lexington Avenue, New York 17, New York, together with all declared and unpaid dividends thereon;

b. That certain debt or other obligation owing to Edward Woydt, by Harold H. McLean, 466 Lexington Avenue, New York 17, New York, in the amount of $197.95, as of December 31, 1945, together with any and all accruals thereto, and any and all rights to demand, enforce and collect the same; and

c. Those certain debts or other obligations, evidenced by two dividend checks numbered C 239487 and A 127992, in the face amount of $3.60 and $1.20, dated December 19, 1947 and June 21, 1948 respectively, payable to Edward Woydt, said dividend checks representing dividends on the shares of stock described in subparagraph 2 (a) hereof and presently in the custody of Harold H. McLean, 466 Lexington Avenue, New York 17, New York, and any and all rights to demand, enforce and collect the aforesaid debts or other obligations and all rights in, to and under the aforesaid checks, including particularly the right to possession and to present for payment,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on September 8, 1948.

For the Attorney General.

[SEAL] DAVID L. BAZELON,
Assistant Attorney General,
Director, Office of Alien Property.

[F. R. Doc. 48-8499; Filed, Sept. 21, 1948; 9:17 a. m.]